

REMARKS

STATUS OF THE CLAIMS

Claims 1-3, 6-13, 16-19, and 21-23 were pending and stand rejected. Claims 1, 10, and 21 are amended. Claim 24 is newly added. Claims 1-3, 6-13, 16-19, and 21-24 are pending upon entry of this amendment.

AMENDMENTS TO THE SPECIFICATION

Applicant has amended the specification to recite the following: “A client computer 1, which includes a processor and which may be a desktop computer or a portable computer such as a notebook computer or a hand-held PDA (Personal Digital Assistant)...”. As persons of ordinary skill in the art would readily recognize, computers include processors, as stated in the amendment. Applicant has also amended the specification to recite the following: “When implemented in software, modules 3 through 10 can reside on a computer storage readable medium or on a plurality of computer readable storage media, such as one or more floppy disks, hard disks, CDs, DVDs, etc.” As persons of ordinary skill in the art would readily recognize, floppy disks, hard disks, CDs, DVDs are examples of computer-readable storage media, as stated in the amendment. Thus, Applicant believes that no new matter has been added and entry of these amendments is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-3, 6-13, 16-19, and 21-23 were rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. With respect to claims 1, 10, and 21, the Examiner indicated that they contain the limitation “based at least in part on the reliability of the detectors that output the netspecs.” The Examiner stated that the “succinct and definitive meaning of the reliability of the detectors is unclear.” The Examiner indicated that, “[f]or examination purposes, the limitation will be treated as if referring to whether or not the detector is functioning.” Claims 2-3, 6-9, 11-13, 16-19, and 22-23 depend from claims 1, 10, and 21, and so are rejected for the same reason.

Applicant respectfully submits that the claim language is definite. The claims recite “sorting the set of netspecs in a priority order based at least in part on the reliability of the detectors that output the netspecs.” As explained in the Specification, “[t]he prioritization can be based upon the fact that some detectors 3 are more reliable in observing certain network connections, and therefore it is deemed that these detectors 3 should be awarded priority.” Specification, p. 7, line 27 through p. 8, line 2. Thus, the reliability of the detectors refers to whether the detectors are more or less reliable than other detectors, and the sorting of the netspecs is based on this reliability. The scope of the claim language is clear. Applicant has further clarified this in the independent claims 1, 10, and 21, by amending the claim to recite “wherein detectors considered more reliable than other detectors in observing network interfaces are awarded priority in the sorting.” Thus, it is clear in the claim that the reliability refers the reliability *in observing network interfaces*, and the reliability is measured in terms of detectors being more reliable than other detectors, which are awarded priority in the sorting.

Applicant also respectfully disagrees with the Examiner’s interpretation of reliability as “whether or not the detector is functioning.” Applicant respectfully submits that it is possible for a highly reliable detector to fail to perform accurate detection at some point in time, and it is possible for a highly unreliable detector to perform accurate detection at some other point in time. Thus, the state of a detector at a given point in time is not the same as the reliability of that detector. Rather, reliability is an estimation of the likelihood that a detector will perform accurate detection when used in the future.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

REJECTIONS UNDER 35 U.S.C. § 101

Claims 10-13 and 16-19 were rejected under 35 U.S.C. § 101 as allegedly being unpatentable because the claimed invention is directed to non-statutory subject matter. Applicant traverses this ground of rejection. The Examiner stated the independent claim 10 “does not contain any elements that are definitively embodied in hardware.” Office Action, p. 3. Without agreeing with the Examiner, but to expedite prosecution, Applicant has

amended independent claim 10 to recite “a computer-readable storage medium storing executable software means comprising” and “a processor configured to execute the software means stored by the computer-readable storage medium.” Thus, the claim contains elements that are definitively embodied in hardware. Claims 12-13 and 16-19 depend from claim 10 and so also recite these elements. Accordingly, Applicant respectfully requests withdrawal of this rejection.

REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1, 9-10, 18-19, and 21-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Moore et al. (U.S. Patent No. 7,000,015). Applicant respectfully traverses these rejections as applied to the amended claims.

The independent claims recite elements related to associating computer network identifications with network policies. For example, independent claim 1 recites the following:

1. A method for associating computer network identifications with network policies, said method comprising the steps of:
 - analyzing a network interface associated with a client computer using a plurality of network detectors, the detectors outputting a set of **a plurality of netspecs**, each netspec comprising a first token identifying a detector used for the analysis and a second token identifying the analyzed network interface;
 - sorting the set of netspecs in a priority order based at least in part on the reliability of the detectors that output the netspecs, wherein detectors considered more reliable in observing network interfaces than other detectors are awarded priority in the sorting;**
 - associating the network identifications made by the set of netspecs with locations based at least in part on the priority order of the set of netspecs; and
 - feeding associated network identification/location pairs to a network interface module to implement desired network policies.

Similar elements are recited in independent claims 10 and 21.

Moore does not teach all of the recited elements of the claims. Moore fails to disclose, at least, the step of “*sorting the set of netspecs in a priority order based at least in part on the reliability of the detectors that output the netspecs, wherein detectors considered more reliable in observing network interfaces than other detectors are awarded*”

priority in the sorting” as recited in the amended claims. Moore describes a service that discovers the physical locations of a host computer’s connections to logical networks and provides that information to other applications operating on the host computer. *See* Moore, Abstract. A Network Location Resolution Service Provider (“NLRSP”) operates on the host computer and shares a common API with other applications operating on the host computer. The NLRSP contacts the drivers for each new network interface available to the host computer, determines the GUID (globally unique identifier) for each new interface, and then communicates the determined GUID information to other applications operating on the host computer through the common API. *See* Moore, col. 13, lines 30-38 and col. 14, lines 30-34. Thus, at most Moore discloses determining GUID information for each new network interface.

However, Moore does not disclose or suggest the sorting step as recited by amended claim 1. The Examiner stated that Moore discloses this element “where the set of netspecs is the GUID and if a detector is unreliable, i.e., fails, then it will not send the associated data that would have been detected.” Office Action, p. 5. The Examiner further explained that “[t]hus, the prioritization has been modified as the data is not there to be prioritized.” *Id.* The Examiner also stated “the priority module that the data is in would be the data structure responsible for storing the information,” and “the priority could be as simple as grabbing the next piece of data in a queue.” *Id.* Applicant respectfully disagrees that the sections of Moore cited disclose the sorting step as claimed.

First, as explained above, Applicant disagrees with the Examiner’s interpretation of reliability as referring to “whether or not the detector is functioning.” Instead, reliability is an estimation of the likelihood that a detector will perform accurate detection. The Specification also makes clear that this interpretation is intended based on the examples provided, such as that in Table 2 on page 7, in which “each detected network interface is assigned an arbitrary consecutive number” such as 1 to 6 in the Table. The Specification explains that this is a sorting of the netspecs in a priority order based on the fact that some

detectors are more reliable in observing certain network connections than others.

Specification, p. 7, line 24 through p. 8, line 2.

Second, even if one were to accept the Examiner's interpretation of reliability for the sake of argument, Moore still fails to disclose the element. The Examiner provided the example of a detector in Moore failing, and so not sending the associated data that would have been detected. In the Examiner's example, this failing of the detector changed the prioritization of the data since there would be no data for some detectors. However, the section of Moore cited by the Examiner fails to refer to failure of detectors, and fails to refer to any prioritization of netspecs so also does not refer to a changing of prioritization based on detector failure. Even if Moore did refer to a failure of detectors so that some detectors provide no data, Moore does not refer to any sorting of netspecs into a priority order in the first place, so there is no such priority order to be disrupted by detector failure. The Examiner states that the "priority could be as simple as grabbing the next piece of data in the queue." Office Action, p. 5. However, the claim still requires a step of *sorting* the netspecs into this priority order, even if priority were interpreted as the Examiner suggested.

Third, the claim element has been amended to clarify that the set of netspecs includes a *plurality of netspecs*, and the sorting step was amended to recite that "***detectors considered more reliable in observing network interfaces than other detectors are awarded priority in the sorting.***" It is clear from this language that the sorting in a priority order means a sorting in which the detectors that are considered more reliable in observing network interfaces than other detectors are awarded priority, not that the prioritization is changed based on failure of some detectors. The claim refers to the reliability of the detectors *in observing network interfaces*, not in terms of whether or not a detector is functioning. The reliability is measured in terms of detectors being more reliable than other detectors, which are awarded priority in the sorting.

Accordingly, Applicant respectfully submits that the cited references do not teach or suggest every element of amended claims 1, 11, and 21. Therefore, the independent claims are not anticipated by the cited references, nor are anticipated the dependent claims that

incorporate the elements of their base claims.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 2-3, 6-8, 11-13, and 16-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Moore in view of Aaron (U.S. Publication No. 2004/0268150).

For at least the reasons stated above regarding why Moore fails to disclose all of the elements of the independent claims, Moore also fails to disclose the elements of dependent claims 2-3, 6-8, 11-13, and 16-17. Aaron does not remedy the deficiencies in Moore, as discussed in the previous Office Action Response. Aaron discloses a system for providing network-based firewall policy configuration and facilitation. *See* Aaron, Abstract. A policy modification agent (“PMA”) resides on a memory along with an operating system. *See* Aaron, [0028]. A user sends a notification to a firewall facilitation coordinator (“FFC”) to modify the user’s firewall policy for a new application. The FFC receives the notification and authenticates the user. The FFC sends a request to the PMA seeking modification of the firewall policy as applied to the new application. *See* Aaron, [0044]. Upon receiving the request, the PMA initiates an “exercise period”. During the exercise period the PMA observes packets associated with the new application. *See* Aaron, [0046]. The PMA then generates rules for filtering the packets based on whether questionable packets are observed during this exercise period. *See* Aaron, [0047]-[0050] and FIGS. 5A-5D. However, like Moore, Aaron does not disclose sorting a set of netspecs in a priority order based at least in part on the reliability of the detectors that output the netspecs.

The Examiner stated in his earlier Office Action that paragraph [0050] of Aaron discloses the prioritization. However, paragraph [0050] discloses further details about the exercise period and not prioritizing a set of netspecs. Specifically, if the PMA observes questionable packets during the exercise period, it will sort the questionable packets into groups based on packet types and prioritize these groups based on the likelihood that the packets will be required for the new application to function through the firewall. *See* Aaron, at paragraphs [0049]-[0050]. Thus, at most Aaron discloses prioritization of groups of

questionable packets. However, the GUID information disclosed by Moore is different from the groups of questionable packets disclosed by Aaron. A person of ordinary skill in the art aware of the prioritization of groups of questionable packets disclosed by Aaron would not be lead to modify Moore to prioritize GUID information. Moreover, even if such a person did modify Moore based on Aaron, the result would still not arrive at the claimed invention because neither Moore nor Aaron teach or suggest a priority order “based at least in part on the **reliability of the detectors that output the netspecs.**” Further, Aaron does not disclose the sorting step, wherein **detectors considered more reliable in observing network interfaces than other detectors are awarded priority in the sorting.**

Thus, Moore and Aaron, either alone or in the combination suggested by the Examiner, do not teach or suggest every element of independent claims 1, 10, and 21, nor the claims depending therefrom. Accordingly, Applicant requests withdrawal of this rejection.

CONCLUSION

Withdrawal of the pending rejections and reconsideration of the claims are respectfully requested, and a notice of allowance is earnestly solicited. If the Examiner has any questions concerning this Response, the Examiner is invited to telephone Applicant’s representative at (650) 335-7185.

Respectfully Submitted,
Peter Linhardt

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By: /Antonia L. Sequeira/
Antonia L. Sequeira, Esq.
Reg. No.: 54,670
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7185
Fax.: (650) 938-5200